

## REMARKS

### I. Introduction

In response to the Office Action dated May 21, 2007, no claims have been cancelled, amended or added. Claims 1-19 remain in the application. Re-examination and re-consideration of the application is requested.

### II. Prior Art Rejections

In this Office Action, the Examiner has rejected claims 1-9 and 17-18 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,883,677 (Hofmann). The Examiner has also rejected the balance of the claims under 35 U.S.C. § 103(a) as being obvious in view of a variety of combinations of references, specifically:

- 1) Rejecting claims 10 and 12-14 as obvious in view of the combination of Hofmann and U.S. Patent No. 6,481,010 (Nishikawa);
- 2) Rejecting claim 11 as obvious in view of the combination of Hofmann, Nishikawa and U.S. Patent no. 5,710,941 (Parry); and
- 3) Rejecting claims 15 and 16 as obvious in view of the combination of Hofmann and U.S. Patent No. 5,247,347 (Litteral et al.).

The Applicant does not agree.

As previously noted, one of the goals of the invention was to provide the end user with a method and system that put all of his multimedia content in the same framework, so he could locate and access content without having to be aware of a lot of information about where he might have to look for the content. For example, if the end user is interested in watching an audio/visual presentation of a particular automobile race, the system and method of the invention allows him to locate that content without having to know which service provider or broadcast medium is making that content available. The end user merely identifies coordinates within the multiple axis framework, such as "sports", "audio/visual", etc. and the system and method of the invention presents the options available to the user as defined by those coordinates. If the end user has not identified any preference regarding the source of the content, then the system and method of the invention may identify content from any source, such as the Internet, digital

television, satellite television and video on demand. None of the cited references describe such a system.

The primary reference relied upon by the Examiner, the Hofmann reference, describes a system for *displaying* available content, but it does not describe a similar, intuitive interface for *managing* the available content. As well, it does not provide functionality for actually accessing the content that has been displayed.

#### Regarding claims 1-9 and 17-18

Section 2131 of the Manual of Patent Examination Procedure indicates that a claim is anticipated only "*if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference*". As the Hofmann reference does not describe all of the elements of claim 1, it does not satisfy the test for anticipation. The Applicant notes that the Hofmann reference falls short at least in the following respects:

1) Claim 1 describes functionality which allows the user to "select" one of the multimedia content offerings appearing in the displayed search results. In contrast, the Hofmann system does not:

a) in column 6 lines 45 – 61, Hofmann very explicitly states that the output after searching is complete, is a *display* of the results and the option of making a physical *printout*. There is no mention at all of functionality to *select* desired programming directly from the display of the search results as in claim 1;

b) similarly, in the description in column 9, lines 5 – 21, the results of a given search are merely "displayed". Hofmann does not describe the functionality to identify and launch a particular program from their interface; and

c) the figures do not show the functionality to support the launching of a program from the menu or search display. In fact, they teach away from this. Figures 4A and 4B present block diagrams of the Hofmann system and it is very clear that the menu displays 426 are "dead ends". That is, there is no way to select a program and have that selection fed back into the system so that the content is provided to the user. **The hardware to do this is not presented in any of the Figures or described in the specification.** Thus, it appears that Hofmann is teaching a searching system, but the user must still manually seek out and select his desired program using existing methods.

The Examiner has suggested that the "selection" functionality is "inherent" in Hofmann, but the Applicant does not agree. Given that the primary purpose of the Hofmann patent is to describe a menu system, it would seem to be a certainty that "selection" functionality would be mentioned if there was any intention to provide it;

2) claim 1 requires that a "multiple axis framework" be used. Such a framework is never used or described in Hofmann, and in fact, no user interface at all appears in Hofmann. The closest that Hofmann comes to describing an interface is the indication at column 6 lines 45 – 61 and column 9, lines 5 – 21, that various searches may be performed by specifying values for certain parameters. **There are no figures presenting interfaces in Hofmann, nor is there any explicit description as to how data for the searches are to be input by the user (Figures 9A and 9B are merely displays of data output from searches).** It appears that search criteria are input somehow, and a static display or printout is received, presenting the results.

Thus, the user of the Hofmann system cannot identify options "with respect to one or more of said independent axes of the multiple axis framework" in accordance with claim 1; and

3) the multiple axis framework of claim 1 provides a very efficient model for organizing content listings which becomes even more apparent in the dependent claims. One of the primary reasons is that the model is very intuitive to the user and it is therefore easy to learn how to access the content that one is looking for. For example, manipulating the mode, provider and theme axes of claim 6 is far more efficient and intuitive than creating "a type of filter which can either be used to positively identify a criteria ... or negatively remove unwanted information" as described in column 6, lines 53 – 57 of Hofmann. Hofmann does not suggest or point in the direction of such an intuitive interface and system at all.

Thus, the Applicant submits that claim 1 is not anticipated by the Hofmann reference.

Claim 18 is of similar scope to that of claim 1, and therefore distinguishes from the Hofmann reference in the same manner.

Claims 2 – 9 and 17 all depend from claim 1 and include additional limitations which further distinguish from the Hofmann reference. For example:

1) Hofmann does not describe a system with explicitly three axes as per claim 5, which the Applicant has found to be advantageous. The Examiner has asserted that this concept is described in column 6, lines 32- 65 of Hofmann, but the Applicant does not agree. The only

portion of that text which makes reference to searching lies in lines 50 – 57. It is quite clear that three axes of searching are not described in those lines;

2) Hofmann does not describe a system with explicitly mode, provider and theme axes, per claim 6. Again, the Examiner has made reference to column 6 lines 32- 65 of Hofmann, but the Applicant submits that lines 50 – 57 simply do not describe the limitations of claim 6; and

3) Hofmann does not describe a system in which the layers of the axes are presented to the user per claim 7. Figures 9A and 9B are static, non-interactive displays of search results. At best, these could be described as presenting all of the search results in a single layer.

The balance of the dependent claims also distinguish from Hofmann at least in the same manner as claim 1.

The Applicant submits that claims 2 – 9 and 17 therefore distinguish from the cited Hofmann reference and asks that these objections under 35 U.S.C. §102(b) be withdrawn.

#### **Regarding claims 10 and 12 - 14**

The Examiner has rejected claims 10 and 12-14 as obvious in view of the combination of Hofmann and U.S. Patent No. 6,481,010 (Nishikawa). More specifically, with respect to claim 10, the Examiner has asserted that “it would have been obvious ... to modify Hofmann with (the) Nishikawa teaching”. The Applicant does not agree.

To begin with, the Applicant notes that claim 10 includes all of the limitations of claims 1, 2, 5, 6, 7 and 9. Hofmann does not teach the limitations of any of these parent claims as outlined above. Nishikawa does nothing to address any of Hofmann’s shortcomings with respect to these claims.

Even if Hofmann did teach all of the limitations of claims 1, 2, 5, 6, 7 and 9 (which it does not), the Applicant submits that Nishikawa would not render claim 10 to be obvious. While Nishikawa may describe a system which supports the switching of a variety of content services to a single output, the Nishikawa system is completely incompatible and unrelated to the system described in Hofmann. Hofmann describes the use of a “CEBus” medium to carry content signals throughout a home (see Figure 2), while Nishikawa deals with completely different signals: S-Video, Composite and RF (see Figure 2A).

The CEBus system requires the use of very specific hardware and devices, which are completely different from those used by Nishikawa. Thus, one could not take the Hofmann CEBus system and "modify ... with the Nishikawa teaching", using Nishikawa's components to add switching from various inputs to a single output. Nishikawa's components cannot handle the CEBus signals used by Hofmann and there are no teachings on how the Hofmann and Nishikawa systems would have to be re-designed in order to be integrated together.

Claims 12 and 13 depend from claim 10 and therefore include at least the same limitations as all of claims 1, 2, 5, 6, 7, 9 and 10 combined. Claims 12 and 13 are therefore non-obvious for at least the same reasons as claim 10.

Claim 14 includes the limitations of its parent claims 1 and 2. As noted above, the Hofmann reference does not include the limitations of either of claims 1 or 2 and the Nishikawa reference does not include the missing limitations. Further, the Nishikawa reference is not compatible with the technology used in the Hofmann reference and therefore could not be combined with the Hofmann technology in an obvious way.

The Applicant therefore asks that these objections be withdrawn.

#### **Regarding claim 11**

The Examiner has rejected claim 11 as obvious in view of the combination of Hofmann, Nishikawa and U.S. Patent no. 5,710,941 (Parry).

Claim 11 depends from claim 10 and therefore includes all of the limitations of claims 1, 2, 5, 6, 7, 9 and 10. As outlined above, Hofmann does not teach the limitations of any of claims 1, 2, 5, 6, 7 and 9, and Nishikawa does nothing to address any of Hofmann's shortcomings with respect to these claims. Further, the Nishikawa technology is not compatible with the Hofmann technology, so it could not be combined with Hofmann in an obvious way.

Parry is directed to a protected mode hard disk driver which uses geometric translation. This has nothing to do with the invention, the claims, the management and manipulation of content or the integration of multiple sources of content. Thus, one would not look to the Parry reference for the disclosure of an improved method of displaying content and managing access to that content.

The Applicant therefore asks that this objection be withdrawn.

**Regarding claims 15 and 16**

Finally, the Examiner has rejected claims 15 and 16 as obvious in view of the combination of Hofmann and U.S. Patent No. 5,247,347 (Litteral et al.).

Claims 15 and 16 both depend from claim 2 and therefore include all of the limitations of claims 1 and 2. As outlined above, Hofmann does not teach the limitations of claims 1 and 2, and Litteral et al. do nothing to address any of Hofmann's shortcomings with respect to these claims. Further, the Litteral technology is not compatible with the Hofmann technology, so it could not be combined with Hofmann in an obvious way.

Litteral is directed to a system for video-on-demand services which uses the PSTN (public switched telephone network) and ISDN (integrated services digital network). This is completely different from the CEBus technology described in the Hofmann patent. One could not take the Hofmann CEBus system and "modify Hofmann to use the ADSL interface for providing video on demand service over PSTN of Litteral".

The Applicant therefore asks that this objection be withdrawn.

In view of the above, the Applicant asks that the rejections of the claims under 35 U.S.C. § 102 and 35 U.S.C. § 103 be withdrawn.

**III. Conclusion**

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited.

Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

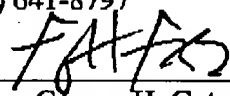
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